

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GERALD REVELLO

Plaintiff

v.

BLUHM'S GAS SALES, INC., et al.,

Defendants

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**3:12-CV-312
(JUDGE MARIANI)**


ORDER

The background of this Order is as follows: Defendants moved for summary judgment (Doc. 12) on July 25, 2012 and relied on photograph exhibits to attempt to show that fee notices were prominently and conspicuously located on their automated teller machine ("ATM"). Plaintiff attempts to refute Defendants' argument by relying on his own photograph exhibit attached to his Complaint (Doc. 1). After comparing the photographs submitted by each party, it appears to the Court that:

1. The photographs do not show the same ATM, or
2. The photographs show the same ATM but at different times, or
3. The photographs show the same ATM but are taken in a manner that does not fairly and accurately represent the actual appearance of the ATM.

WHEREFORE, THIS 12TH DAY OF OCTOBER, 2012, upon consideration of the Complaint (Doc. 1) with attached exhibits and Defendants' Motion for Summary Judgment (Doc. 12) with attached exhibits, **IT IS HEREBY ORDERED THAT ON OR BEFORE**

OCTOBER 26, 2012, each party shall submit sworn affidavits addressing the above concerns. The affidavits shall authenticate the photographs by presenting verified facts sufficient to lay a foundation for introduction of the photographs themselves. At minimum, the affidavits shall state when the photographs were taken, by whom they were taken, and whether they fairly and accurately represent the actual appearance of the ATM on the date they were taken, and such date shall be stated in the respective affidavits.

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge